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### REMARKS

Claims 1, 2, 4-7 and 10 have been currently amended, and claims 3, 8 and 9 are as previously amended. Thus, claims 1-10 remain pending and are submitted for reconsideration. No new matter has been added.

The Examiner's indication that claim 4 contains allowable subject matter is greatly appreciated. In accordance with the Examiner's helpful suggestion, claim 4 has been rewritten in independent form, and is respectfully submitted to be allowable. And inasmuch as claims 5-7 depend from claim 4, these dependent claims are also respectfully submitted to be allowable for at least the same reasons as claim 4, as well as for reciting additional features that further distinguish the present invention.

Claim 5-7 and 10 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Claim 5-7 and 10 have been amended so as to recite first and second present threshold values that can be the same (in accordance with a first preferred embodiment) or different (in accordance with a second preferred embodiment). Applicants respectfully submit that claim 5-7 and 10 are now in full compliance with 35 U.S.C. § 112, second paragraph. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1-3 and 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.K. Patent No. 2,279,829 to Wichert et al. (Wichert) in view of U.S. Patent No. 4,823,825 to Buchl. These rejections are respectfully traversed in view of the following comments.

Applicants independent claim 1 recites a combination of features including "during the movement of the armature the control signals depend on the current and the time differential of the current through the coil (113) in the free-running operating state." Support for this feature may be found in Applicants' specification as originally filed at page 5, lines 1-20, and in Figures 3 and 6 as originally filed.

Wichert appears to show a device for controlling an electromagnetic regulator, which has an actuator and an actuating drive with an electromagnet and a coil. Wichert also appears to show a controller that controls the current through the coil and which for that purpose controls signals for a power regulator.

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However, Wichert does not show that during movement of the armature, the control signals depend on the current and the time differential of the current through the coil in a free-running operating state. Instead, Wichert states ascertaining, during a freewheel phase, a switching instant at which the moveable element reaches an end position (page 2, lines 9-10). Wichert further states that due to the switching instant being ascertained during a freewheel phase, there is no requirement to regulate the voltage during the time window (page 2, lines 14-16). The same feature of Wichert is also discussed at page 4, lines 5-7, page 4, lines 9-13, page 7, lines 24-28, page 8, lines 7-9, and page 9, lines 15-17. Therefore, Wichert only discusses not to regulate the current through the coil in a time window before the inspected reaching of the new end position X2 (page 2, lines 14-16). After reaching the end position, the armature does not move anymore.

Applicants also respectfully submit that Buchl fails to overcome the aforementioned deficiencies of Wichert.

Therefore, Applicant(s) respectfully request(s) that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2, 3 and 8-10 depend from claim 1, and are allowable for the same reasons set forth with respect to independent claim 1 from which they depend, and for the separate features they additionally recite.

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### **CONCLUSION**

It is respectfully submitted that the application is now in condition for allowance and an early notification of such is earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicant's undersigned representative to expedite the prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,  
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